



STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WORKFORCE SERVICES
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**Workforce Services Policy – Workforce Services (Youth Eligibility) - WIOA
TN-WIOA (17-10)**

Note: This policy has been amended December 11, 2017, to indicate the State's required retention of records for a period of 5 years on page 5, section IV.

Effective Date: May 12, 2017

Duration: Indefinite

Subject:

The Youth Eligibility policy outlines eligibility requirements for the youth program, identifies the criteria for the 5% provision and identifies the criteria for determining if additional assistance is needed for a participant to complete an educational program or to secure or hold employment.

Purpose:

Local Workforce Development Boards (LWDBs), in consultation with the Chief Local Elected Officials, must establish WIOA Title I eligibility policies and procedures consistent with the guidance provided in this policy (**WIOA Section 107[d]**). In formulating local policies and procedures, Local Boards must specifically address the following WIOA Title I Youth eligibility issues:

- Local parameters for the definition of Required Additional Assistance (see page 6 for additional information)
- Local parameters for the definition of self-sufficiency

This policy is subject to revision as additional guidance is issued from the U.S. Department of Labor.

Scope:

Adult Education (AE), American Job Center (AJC), American Job Center Operator (AJC Operator), American Job Center Access Point (AJC Access Point), Chief Local Elected Official

(CLEO), Division of Workforce Services (WFS), Local Workforce Development Areas (LWDAs), Local Workforce Development Boards (LWDBs), Office of the Governor, Office of Registered Apprenticeship (RA), Rehabilitation Services (RS), Regional Council (RC), State Workforce Development Board (SWDB), Tennessee Department of Economic and Community Development (TDECD), Tennessee Department of Education (TDOE), Tennessee Department of Human Services (TDHS), Tennessee Department of Labor and Workforce Development (TDLWD), Tennessee Eligible Training Providers (TTPLs), Workforce Innovation and Opportunity Act (WIOA), Workforce System Subrecipients (Subrecipients), Workforce System Partners (Partners)

References:

20 CFR 681.210; 20 CFR 681.230; Education Code EDC Section 58500; TCA 9-6-30; TEGL 21-16; WIOA Section 107(d); WIOA Section 129(a)(1)(B); WIOA Section 129(a)(3); WIOA Section 188(a)(5); Violence Against Women Act of 1994 Section 41403(6); McKinney Vento Homeless Assistance Act Section 725(2), Social Security Act (42 USC 677)

Background:

The Workforce Innovation and Opportunity Act (WIOA) presents new opportunities to improve job and career options for our nation's workers and jobseekers through an integrated, job-driven public workforce system that links diverse talent to businesses. WIOA places a priority on serving out-of-school youth, providing work-based experience, and improving services to youth with disabilities. WIOA promotes career pathways, increased attainment of recognized credentials and post-secondary certificates or degrees. Youth must meet eligibility requirements to participate in the WIOA Title I Youth Program. Eligible youth are those who are 14-24 years of age and face specific barriers to school completion or employment.

I. Definitions:

- 1) **School** - any secondary or post-secondary school as defined by the applicable State law (**TCA 9-6-301 and 49-7-2001-2003**) for secondary and postsecondary institutions (**20 CFR 681.230**). For purposes of WIOA, the Department does not consider providers of adult education under Title II of WIOA, YouthBuild programs, the Job Corps program, high school equivalency programs, or dropout re-engagement programs to be schools (**20 CFR 681.230**). In all cases except the one provided below, WIOA youth programs may consider a youth to be an OSY for purposes of WIOA youth program eligibility if he or she attend adult education provided under title II of WIOA, YouthBuild, Job Corps, high school equivalency programs, or dropout re-engagement programs regardless of the funding source of those programs. Youth attending high school equivalency programs funded by the public K-12 school system who are classified by the school system as still enrolled in school are an exception: they are considered ISY.

- 2) **Attending School** – An individual is considered to be attending school if the individual is enrolled in a secondary or post-secondary school. Such schools include, but are not limited to: TCATs, community colleges, 4-year college/university, traditional K-12 public and private, and alternative (e.g., continuation, magnet, and charter) schools.
- 3) **Not attending School** – is an individual who is not attending a secondary or post-secondary school (**WIOA Section 129[a][1][B]**). An individual who is enrolled in adult education, Youth Build, or Job Corps is not considered to be attending school (**Final Rule 681.230-32**).
- 4) **Alternative School** – is a type of school designed to achieve grade-level (K-12) standards and to meet student needs (**Education Code EDC Section 58500**). Examples of alternative schools include, but are not limited to: continuation, magnet, and charter schools. If the youth participant is attending an alternative school, at the time of enrollment, the participant is considered to be in-school.

II. **WIOA Title I Youth Participant Eligibility:**

WIOA establishes separate criteria for Out-Of-School Youth (OSY) and In-School Youth (ISY).

1) **An Out-Of-School Youth is defined as an individual who is:**

- A) Not attending any school at the time of enrollment
- B) Not younger than 16 or older than 24 at the time of enrollment (participants may continue to receive services beyond the age of 24 once they are enrolled in the program **20 CFR 681.210**); and
- C) Meets one or more of the following conditions:
 - I. School dropout
 - II. Within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter. School year calendar is based on how a local school district defines its school year quarters.
 - III. Recipient of a secondary school diploma or its recognized equivalent who is low-income and basic skills deficient or an English language learner
 - IV. An offender who has been subject to any stage of the criminal justice process
 - V. A homeless individual, aged 16 to 24 who meets the criteria defined in **Violence Against Women Act of 1994 Section 41403(6)**, a homeless child or youth aged 16 to 24 who meets the criteria defined in of the

McKinney Vento Homeless Assistance Act Section 725(2), or who is a runaway

- VI. An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care of kinship guardianship or adoption, a child eligible for assistance under **Social Security Act (42 USC 677)**, or in an out-of-home placement
- VII. Pregnant or parenting
- VIII. An individual with a disability
- IX. Low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment (**WIOA Section 3[46]** and **WIOA Section 129[a][1][B]**)

2) An In-School Youth is Defined as an Individual Who Is:

- A) Attending school at the time of enrollment (**TEGL 21-16**)
 - i. If the youth is enrolled in the WIOA summer youth program during the summer and is in between school years, the youth is considered ISY if they are enrolled to continue school in the fall
 - ii. If a youth is enrolled in the youth program between high school graduation and postsecondary education, the youth is considered an ISY if they are registered for postsecondary education, even if they have not yet begun postsecondary classes at the time of enrollment
 - iii. If the youth does not follow through with attending postsecondary education, then such a youth would be considered an OSY if the eligibility determination is made after the point that the youth decided not to attend secondary education.
 - iv. Postsecondary classes must be credit-bearing classes
- B) Not under the age of 14 or (unless an individual with a disability who is attending school under State law) older than 21 at the time of enrollment
- C) Low-income; and
- D) Meets one or more of the following conditions:
 - i. Basic skills deficient
 - ii. An English language learner
 - iii. An offender who has been subject to any stage of the criminal justice process
 - iv. A homeless individual, aged 14 to 21, who meets the criteria defined in **the Violence Against Women Act of 1994 Section 41403(6)**, a homeless child or youth aged 14 to 21 who meets the criteria defined in the **McKinney Vento Homeless Assistance Act Section 725(2)**, or a runaway
 - v. An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care of kinship guardianship or adoption, a child eligible for assistance

- under ***Social Security Act (42 USC 677)*** or in an out-of-home placement
- vi. Pregnant or parenting
- vii. An individual with a disability
- viii. Requires additional assistance to complete an educational program or to secure or hold employment

NOTE: Youth with disabilities who have an Individualized Education Program may be enrolled as ISY after the age of 21. ***TCA 0520-01-11-04*** includes the factors used to determine eligibility for youth with disabilities enrolled in ISY after the age of 21:

III. Term of the Individualized Education Account:

For purposes of continuity of educational attainment, a student who enrolls in the program shall remain eligible until the participating student meets one of the following, whichever occurs first:

- 1) Enrolls full-time in a public school in the LEA in which the parent or student who has attained the age of majority resides
- 2) Graduates from high school. The student may continue in the program until such time as he or she and receives a high school diploma, or received a passing score on all subtests of the GED or HiSET. Certificates of attendance do not constitute graduation from high school for the purposes of this program, or
- 3) Reaches twenty-two (22) years of age. The student may complete the school year in which he or she reaches the age of twenty-two (22), provided a student shall not be enrolled in the program past August 15 of the next school year after they have reached twenty-two (22) years of age.

IV. Documentation for Participant Eligibility:

Documentation is necessary to support WIOA Title I Youth Eligibility. Local areas must verify and confirm that youth are eligible to participate in WIOA youth services through an examination of documents. *Please see Attachment A.* Documentation should be stored electronically by uploading the documents into the participant's file in Jobs4TN, and documentation must be available to program, fiscal monitors, and auditors for monitoring purposes. Monitoring will occur through the TDLWD monitoring process, including but not limited to PAR monitoring. A case note may be added with the documentation indicating the eligibility requirement that the document is supporting. Guidance on the required maintenance of records by recipients is provided in **29 CFR 38.43**. According to **29 CFR 38.43** each grant recipient must maintain the records required under WIOA for a period of not less than three (3) years from the close of the applicable program year. Pursuant to Records Disposition Authorizations (RDAs) 1586 and 2207 from the State of Tennessee Comptroller of the Treasury, ***TDLWD requires the maintenance of records for a period of five (5) years***

V. Low Income:

Low-Income Individual is One Who:

- 1) Receives or in the past 6 months has received – or is a member of a family that is receiving or in the past 6 months has received – assistance through the supplemental nutrition assistance program (SNAP), the supplemental security income program established under Title XVI of the Social Security Act, or State or local income-based public assistance
- 2) Is in a family with total income that does not exceed the higher of –
 - A) The poverty line or
 - B) 70 percent of the lower living standard income level
 - C) For additional guidance, see Low Income Guidelines policy
- 3) A homeless individual
- 4) Receives or is eligible to receive free or reduced price lunch
- 5) A foster child on behalf of whom State or local government payments are made;
- 6) An individual with a disability whose own income meets the low-income level for eligibility purposes
- 7) Youth who reside in a High Poverty Area. See **(TEGL 21-16)** for additional information

VI. 5% Limitation and Exception:

As described in **WIOA 20 CFR 681.250(c)**, WIOA allows a low-income exception where five (5) percent of WIOA youth may be participants who ordinarily would be required to be low-income for eligibility purposes and meet all other eligibility criteria for WIOA youth except the low-income criteria. A program must calculate the five percent based on the percent of newly enrolled youth in the local area's WIOA youth program in a given program year who would ordinarily be required to meet the low-income criteria. It is not based on all youth since many of the OSY categories do not require low-income status. Because not all OSY are required to be low-income, the five percent low-income exception under WIOA is calculated based on the five percent of youth enrolled in a given program year who would not ordinarily be required to meet the low-income criteria.

VII. Determining Additional Assistance for In-School and Out-of-School Youth Criteria:

Youth participants are defined as requiring additional assistance to enter or complete an educational program or to secure and hold employment. The following criteria are used to determine requiring additional assistance:

1) Youth is In-School and:

- A) Has poor attendance patterns in an educational program during the last 12 months;
- B) Has been expelled from school within the last 12 calendar months;

- C) Has been suspended from school at least within the last 12 calendar months;
- D) Has below average grades;
- E) Has been previously placed in out-of-home care (foster care, group home or kinship care) for more than 6 months and is between the ages of 14-21; or
- F) Has currently incarcerated parent(s) or guardian

2) Youth is Out-of-School and:

- A) Has dropped out of a post-secondary educational program during the past 12 calendar months;
- B) Has a poor work history, to include no work history, or has been fired from a job in the last 6 calendar months;
- C) Has previously been placed in out-of-home care (foster care), been suspended from school at least within the last 12 calendar months;
- D) Has below average grades;
- E) Has been previously placed in out-of-home care (foster care, a group home, or kinship care) for more than 6 months and is between the ages of 14-21; or
- F) Currently has incarcerated parent(s) or guardian.

VIII. US Citizenship or Authorization to Work in the United States if a Non-US Citizen:

Eligible youth must also be a citizen or national of the United States, lawfully admitted permanent resident alien, refugee, asylee, and parolee, and other immigrant authorized by the Attorney General to work in the United States (**WIOA Section 188(a)(5)**).

IX. Selective Service Registration Requirements for Males Under Age 26:

Before being enrolled in WIOA Title I funded services, all males who are not registered with the Selective Services and have not reached their 26th birthday must register through the Selective Service website at www.sss.gov. If a male turns 18 while participating in any applicable services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIOA Title I funded services. If a man under the age of 26 refuses to register with Selective Service, WIOA Title I funded programs must be suspended until he registers. For transgender customers, compliance with selective service is predicated on the individual's gender as assigned at birth/as recorded on a birth certificate.

Contact:

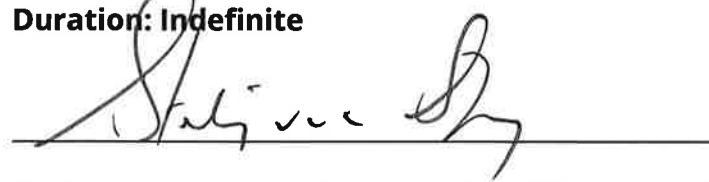
For any questions related to this policy, please contact Nicholas Bishop - Director of

Compliance and Policy for Division of Workforce Services at Nicholas.Bishop@tn.gov

Attachment A: Youth Eligibility and Criteria Documentation

Effective Date: May 12, 2017

Duration: Indefinite

A handwritten signature in black ink, appearing to read "Sterling van der Spuy", is written over a horizontal line.

Sterling van der Spuy, Administrator of Workforce Services

Youth Eligibility Criteria and Documentation – Attachment A

Note: One document per group is required.

Youth Eligibility Criteria	Documentation in File
Eligibility Basics	These items are required for basic participation verification for all participants.
Age/Birth Date	<ul style="list-style-type: none"> • Birth certificate • Baptismal record if date of birth is shown • DD-214 transfer or discharge paper • Hospital record of birth • Driver's license state, federal, or local government ID • Passport • Work permit • Cross match with public assistance records via state MIS system • Other public assistance records (CRIS-E printout) • School record or ID cards • Tribal records
Citizenship Status/Authorization to Work in the US	<ul style="list-style-type: none"> • Citizenship Status/Authorization to Work Self-Attestation • U.S. passport, certificate of U.S. citizenship, certificate of naturalization, permanent resident card, unexpired refugee travel document • U.S. Social Security card issued by the Social Security Administration (other than a card stating not valid for employment), Certificate of Birth Abroad issued by the Department of State, birth certificate issued by a state, county, municipal authority or outlying possession of the U.S., U.S. citizen ID card, ID card for use of Resident Citizens in the U.S. • Cross match with public assistance records via state MIS system • Other public assistance records
Selective Service Registration	<ul style="list-style-type: none"> • Selective service card • Verification from the Selective Service web site: https://www4.sss.gov/regver/verification1.asp • Documentation that failure was not willful and knowing if an applicant failed to register or too old to register and approval to serve individual • DD-214 "Report of Separation" • Stamped Post Office Receipt of Registration

School Status at Participation	<ul style="list-style-type: none"> • Self-Attestation • Applicable records from educational institution • WIOA intake forms • State MIS
Receipt of High School Diploma	<ul style="list-style-type: none"> • Self-Attestation • School records • Diploma • Letter or other documentation from school system
Low-Income Individual	<p>Low-income is required for all in-school youth and for out-of-school youth who has a secondary school diploma and is basic skills deficient (or an English language learner), or requires additional assistance to enter or complete an education program or to secure or hold employment.</p> <ul style="list-style-type: none"> • Cross match with public assistance records via state MIS system
<p>TANF</p> <p>Receives, or is a member of a family that receives, cash payments under the Temporary Assistance for Needy Families, which is a Federal income-based public assistance program</p>	<ul style="list-style-type: none"> • Copy of authorization to receive cash public assistance • Verification by the public assistance agency • Cross match with public assistance records via state MIS system • Other public assistance records (CRIS-E printout) • Refugee assistance records • Verification from the refugee assistance provider
<p>Other Cash Public Assistance</p> <p>Receives, or is a member of a family that receives, cash payments under a federal, state, or local income-based public assistance program (includes refugee assistance and other cash public assistance)</p>	

<p>Family Income</p> <p>Determined when an individual received income, or is a member of a family that received income, for six-month period prior to application for the program that in relation to family size does not exceed the higher of poverty line or 70 percent of lower living standard income</p>	<ul style="list-style-type: none"> • Self-Attestation, only in cases when an individual has no income or receives very little undocumented income; the statement should include some description of how the applicant has been supported in the past six months • Pay stubs • Employer statement of earnings • Compensation award letters • Social Security retirement benefits letter • Pension statement • Bank statements • Court award letter • Family or business financial records • Quarterly estimated tax for self-employed persons • Alimony agreements • Award letter veteran's administration • Unemployment Insurance documents • Low-income Housing Authority verification
<p>Supplemental Nutrition Assistance Program (SNAP)</p> <p>Is a member of a household that receives (or has been determined within the six-month period prior to the application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977</p>	<ul style="list-style-type: none"> • Verification by the public assistance agency • Cross match with public assistance records via state MIS system • Other public assistance records (CRIS-E printout) • Copy of authorization to receive SNAP benefits
<p>Free or Reduced Price Lunch</p>	<ul style="list-style-type: none"> • Self-Attestation • Approval Letter • Completed Application
<p>Youth living in a high-poverty area</p>	<ul style="list-style-type: none"> • https://www.doleta.gov/llsil/ • Current TDLWD workforce policy regarding LLSIL http://www.tn.gov/workforce/article/wioa-technical-assistance

Youth Eligibility Criteria	Documentation in File	
Additional Youth Barriers	Youth must document one of the following seven barriers in addition to meeting one of the low-income criteria.	
Basic skills deficient <i>(In- School and Out-of-School)</i>	<u>In-School</u> <ul style="list-style-type: none"> Standardized assessment test School records Case notes 	<u>Out-of-School</u> <ul style="list-style-type: none"> Standardized assessment test
English language learner <i>(In- school and Out-of-School)</i>	<ul style="list-style-type: none"> Self-Attestation School records Case notes 	
School dropout <i>(Out-of- School)</i>	<ul style="list-style-type: none"> Self-Attestation Applicable records from educational institution State MIS WIOA Intake form School board verification of dropout status Dropout Letter 	
Not attending school <i>(Out-of- School)</i>	<ul style="list-style-type: none"> Self-Attestation School records Court documents 	
Homeless or Runaway <i>(In- School and Out-of-School)</i>	<ul style="list-style-type: none"> Self-Attestation Verification from a shelter or social services agency Written statement from individual providing residence 	
Foster Child or Emancipated Foster Child <i>(In-School and Out-of-school)</i>	<ul style="list-style-type: none"> Case notes Court documentation Verification from a social services agency 	

<p>Pregnant or parenting youth <i>(In-school and Out-of-school)</i></p>	<ul style="list-style-type: none"> • Self-Attestation • Physician's statement • Birth certificate if parenting • Baptismal record • Case notes • Verification with social service agency
<p>Offender (In-school) or Subject to juvenile or adult justice system (Out-of-School)</p>	<ul style="list-style-type: none"> • Self-Attestation • WIOA intake • Court records • Halfway house resident • Letter of parole • Letter from probation officer • Police records
<p>Individual with a disability <i>(In-school and Out-of-School)</i></p>	<ul style="list-style-type: none"> • Self-Attestation • Letter from drug or alcohol rehabilitation agency • Medical records • Physician's statement/ Psychologist diagnosis • Social Security disability records • Individual Education Plan (IEP) • Veteran Administration Letter/Records • Social Services records • Vocational Rehabilitation Letter and/or Referral • Worker's Compensation Records
<p>Require additional assistance to complete educational program or to secure and hold employment <i>(In-School and Out-of-School)</i></p>	<ul style="list-style-type: none"> • Self-Attestation • Local area plan • Local area policy • Individual service strategy • Case notes • WIOA intake form • State MIS